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# PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

# ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS: FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

## Special representatives, envoys and related positions

## Third Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General (A/C.5/49/50) concerning special representatives, envoys and related positions. During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information.

2. The Secretary-General's report is submitted in response to the request of the General Assembly in its resolution 48/259 of 14 July 1994. In that resolution, the Assembly requested the Secretary-General: to clarify the position of special representatives and envoys appointed on a "when actually employed" basis, on special service agreement, on a one United States dollar-a-year honorarium or with no remuneration, and to submit to the Assembly at its forty-ninth session such special guidelines as would need to be applied to those types of contractual arrangements, including a set of objective criteria for determining the level of such positions and the form of remuneration to be used; and to ensure that the number of special envoys, special representatives and other special high-level positions was kept at a minimum, that their functions and responsibilities were more clearly defined and streamlined, avoiding any possible duplication, and that current financial regulations and budgetary procedures were fully complied with, and to report thereon to the Assembly at its forty-ninth session.

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3. In the same resolution, the General Assembly also endorsed the conclusions and recommendations of the Advisory Committee, as contained in its report A/48/7/Add.7. In paragraph 17 of its report, the Committee recommended, inter alia, that the establishment of all high-level positions of special representatives, envoys and advisers that were not against established or temporary posts considered and approved by the General Assembly under the regular budget or in the context of its consideration of the financing of peace-keeping operations (including through the support account) be made in accordance with the relevant Financial Regulations and Rules and with the prior concurrence of the Advisory Committee.

4. As noted below, the Committee believes that, contrary to the mandate of the General Assembly, current established budgetary procedures for the authorization of posts may have not been fully complied with in the appointment of special representatives, envoys and other special high-level officials. The Committee points out that the report to the forty-ninth session of the General Assembly is incomplete as it does not contain the information requested in resolution 48/259.

5. The Committee notes from paragraph 5 of the Secretary General's report (A/C.5/49/50) that, for the biennium 1994-1995, special representatives, envoys and other special high-level positions are grouped in the same three categories as in the previous report of the Secretary-General on the subject.

6. As indicated in paragraph 11 of the report, as at 31 October 1994, there were 44 officials in the positions of special representatives, envoys and other special high-level functions who reported directly to the Secretary-General. The Committee was informed that as of 15 September 1995 there were 48 high-level encumbered positions. The Committee requested (on several occasions) but was not provided with updated information on the breakdown by categories and functions of these positions.

7. The Advisory Committee requests the Secretary-General to issue an addendum to update the annex to his report A/C.5/49/50. The revised annex should contain the number of special representatives, envoys and other high-level special advisers reporting directly to the Secretary-General, including those officials appointed at the D-2 level. The annex should also reflect a historical comparison of all positions encumbered by the end of 1991 with those encumbered by the end of 1995, indicating the source of financing of the costs associated with such positions, as well as the type of contract issued and all the costs associated with such positions (i.e., fixed-term, "when actually employed", special service agreement, $1 a year basis, and any other contractual arrangements). The addendum should also respond more fully to the request of the General Assembly in its resolution 48/259 to submit to it "such special guidelines as would need to be applied to these types of contractual arrangements, including a set of objective criteria for determining the level of such positions and the form of remuneration to be used".

8. The Advisory Committee notes that, as listed in the annex to the report of the Secretary-General, there are 23 positions in the first category (special representatives and other high-level positions in peace-keeping or observer missions that have been authorized by the Security Council). This is the same

number of positions reviewed by the Committee in its previous report on the subject (A/48/7/Add.7). The Committee notes that in the course of its examination of budget submissions to the General Assembly on peace-keeping operations, the Committee had the opportunity to review and comment on the civilian personnel component of the missions, including the positions of special representative and deputy special representative of the Secretary-General. The Committee notes from paragraph 16 of that document A/C.5/49/50 in 1994, on an annualized basis, the total budgeted remuneration for the 23 posts amounted to $4.6 million, compared to $4.3 million of total annual remuneration budgeted for this category of positions as reported to the Committee in May 1994 (A/48/7/Add.7, para. 6).

9. The Committee recalls that in paragraph 9 of its report A/48/7/Add.7, it had been informed that, out of a total of 23 high-level positions, 19 posts were filled by officials who held fixed-term contracts, 3 officials who were appointed on a "when actually employed" basis and one post was vacant (Chief of Staff of the United Nations Truce Supervision Organization) (UNTSO). The Committee requested but did not receive updated information on the number of positions filled and the type of contractual arrangements.

10. Upon request, the Committee was provided with a copy of the draft guidelines regulating the use of "when actually employed" appointments. The Committee notes from paragraph 14 of document A/C.5/49/50 that the Secretary-General intends to submit these guidelines to the General Assembly "in due course".

11. The second category relates to appointments by the Secretary-General of 16 envoys, "normally for a limited period, to assist him in the exercise of his good offices or related functions" (A/C.5/49/50, para. 7). As further indicated in paragraph 7, "these appointments are either specifically recommended by the Security Council or the General Assembly or relate to issues or situations with which these bodies are seized". The Committee notes from paragraph 17 that the costs associated with seven special envoys in this category amounted to $3.5 million in 1994, which were funded under the provisions for the maintenance of peace and security of General Assembly resolution 48/229 of 23 December 1993 on unforeseen and extraordinary expenses for the biennium 1994-1995. The Committee recalls that, as indicated in its previous report on the subject, the Committee had been informed that "on an annualized basis, total budgeted remuneration of officials in this category of high-level positions amounts to approximately $1.3 million" (A/48/7/Add.7, para. 13). The Committee requested but was not provided with information on the contractual arrangements for the positions financed under the provisions of resolution 48/229, nor was the Secretariat able to provide the Advisory Committee with a definition of "limited duration".

12. The Committee cautions that the reduction in the number of established posts in the United Nations regular budget should not lead to the emergence of new procedures whereby high-level positions, which may not necessarily be related to the maintenance of peace and security, or be of an unforeseen and extraordinary nature, are funded under the provisions of resolution 48/229. Moreover, the Committee points out that this resolution was not intended to cover the establishment of positions on a continuing basis.

13. As indicated in paragraph 18, the remuneration, on an annualized basis for officials in the category of "other special high-level positions" amounted to $600,000 and the "associated costs are included in the regular budget for the biennium 1994-1995". The Committee understands that some of these positions are occupied by special advisers to the Secretary-General financed from the provisions of the regular budget for temporary assistance. The Committee was informed that some officials in those positions are being hired on a fixed-term basis, either intermittently or continuously, with short breaks in their contracts to conform to the guidelines for the appointment of temporary staff financed from general temporary assistance funds. The Advisory Committee understands that problems have arisen because in those instances where the function performed is, in fact, required on a continuous basis, interruptions simply to conform to the procedure for temporary service have a negative impact on the provision of services; in this regard, the Committee understands that in some cases procedures which limit continuous service to 11 months are being disregarded. In the opinion of the Advisory Committee, all this points to the need for transparency in the use of temporary positions and the necessity for ensuring that they are only utilized for temporary requirements.

14. In this regard, the Committee points out that there is need for greater transparency in the budgetary process, so as to reflect in the staffing tables of the Secretariat all positions which are for continuing functions. In the Committee's view, positions which are required for the performance of functions of a continuing nature in the work of the United Nations should be budgeted in the United Nations regular budget for review and approval by the General Assembly, through the Advisory Committee.

15. In a related matter, the Committee sought clarification as to the existing guidelines for the use of funds budgeted under general temporary assistance (as distinct from temporary assistance for meetings, which is utilized for conference services). The Committee was informed that provisions for general temporary assistance are included in the United Nations regular budget with the purpose of covering the costs relating to peak workload and those for the temporary replacement of staff on maternity and sick leave under the provisions of the Staff Rules. The Committee was informed that provisions for temporary assistance have not been included in the budgets of peace-keeping operations, with the exception of United Nations Disengagement Observer Force and United Nations Interim Force in Lebanon missions and the peace-keeping support account. It was indicated to the Committee that, as authorized by the General Assembly in paragraph 12 of resolution 49/250 of 20 July 1995, 61 temporary positions funded from general temporary assistance funds under the support account have been converted to temporary posts. Furthermore, it was added that, in accordance with paragraph 14 of that resolution, a special adviser to the Secretary-General continues to be financed from general temporary assistance funds under the support account.

16. The Committee requested and was provided with the Secretary-General's administrative instructions setting out detailed provisions for obtaining the temporary services of individuals as temporary staff or as individual contractors and for obtaining the temporary services of individuals as consultants.

17. The Committee notes from these instructions that "temporary staff may be appointed and individual contractors may be engaged against funds for the purpose of temporary assistance" and "temporary staff may also be appointed against established, temporary or authorized posts when the post is vacant and the temporary staff are to perform the functions normally associated with the post pending its incumbency by regular staff" (ST/AI/295, para. 8). The Advisory Committee requests the Secretary-General, at the earliest opportunity, to issue further refinements to the guidelines on the use of funds budgeted for general temporary assistance to ensure consistency of application of the relevant procedures.

18. The Advisory Committee understands that some high-level positions are being financed from funds appropriated for general temporary assistance and that some of these positions have not been reviewed by the Advisory Committee as mandated by the General Assembly. The Committee has requested the Secretary-General (see for example A/50/7, paras. 68 and 82) to reconsider this practice and to follow the normal procedure for the establishment of posts. The Committee has been concerned with the practice of a flexible interpretation of the guidelines for the use of funds appropriated for general temporary assistance. Often these funds are used with the purpose of financing de facto temporary posts. This situation not only hampers adequate control of the staffing tables but also avoids the review by the Committee and the General Assembly of the functional responsibilities of such posts. The Advisory Committee requests the Secretary-General to report to the General Assembly during the fiftieth session, through the Advisory Committee, on the measures he has taken to address the concerns raised above.

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